

Message Text

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C O N F I D E N T I A L MANILA 3383

E.O. 11652: GDS

TAGS: PINT, RP

SUBJECT: MARCOS MOVING TO RESOLVE POLITICAL PRISONER CASES?

BEGIN SUMMARY: PRESIDENT MARCOS APPEARS TO BE MOVING TOWARD A RESOLUTION OF A VARIETY OF POLITICAL PRISONER CASES. MILITARY TRIBUNAL WILL EXAMINE EVIDENCE IN AQUINO CRIMINAL CASE MARCH 31 - APRIL 4 AND GOVERNMENT HAS PRESENTED ARGUMENT TO SUPREME COURT ASKING THAT IT DISMISS AQUINO'S PETITION CHALLENGING COMPETENCE OF MILITARY TRIBUNALS. MARCOS HAS APPOINTED SPECIAL ADVISORY GROUP TO MAKE RECOMMENDATIONS ON HOW TO PROCEED WITH TRIAL AGAINST THOSE IMPLICATED IN PRESIDENTIAL ASSASSINATION PLOT, INCLUDING LOPEZ JR. AND OSMENAS. MILITARY COMMISSION BEGAN HEARINGS IN CASE OF FRS. LAHOZ AND DE LA TORRE MARCH 15. DESPITE SPATE OF PUBLICITY AND DISCUSSION OF POSSIBLE TRIALS, WE DOUBT MARCOS HAS DECIDED YET EXACTLY HOW TO HANDLE THESE CASES. END SUMMARY.

1. ON MARCH 31, GOVERNMENT LAWYERS WILL BEGIN EXAMING AND "PERPETUATING" EVIDENCE VITAL TO THE PROSECUTION OF SIX CRIMINAL CASES FILED AGAINST FORMER SEN. AQUINO. PERPETUATION IS TAKING OF EVIDENCE FROM WITNESSES IN INSTANCES WHERE WITNESSES TOO SICK OR INFIRM TO APPEAR AT TRIAL OR HAVE LEFT PHILIPPINES. THE PROCEDURE IS PROVIDED FOR UNDER PRESIDENTIAL DECREE #328 OF 10/31/73. MEANWHILE, PRESS HAS GIVEN PROMINENT PLAY TO GOVERNMENT'S ARGUMENTS TO SUPREME COURT ASKING IT TO DISMISS SEN. AQUINO'S PETITION THAT

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COURT ASKING IT TO DISMISS SEN. AQUINO'S PETITION THAT

MILITARY TRIBUNALS LACK COMPETENCE. NUB OF GOVERNMENT'S ARGUMENT AS STATED BY SOLGEN MENDOZA IS THAT MILITARY TRIAL OF OFFENSES RELATING TO REBELLION AND INSURGENCY IS A "LAWFUL INCIDENT OF MARTIAL LAW". PRESIDENTIAL SECURITY COMMAND CHIEF GENERAL VER, TOLD EMBOFF MARCH 17 AQUINO WOULD BE TRIED AND BY MILITARY COURT. HE SPECIFIED END OF MARCH BUT WAS PROBABLY REFERRING TO PERPETUATION HEARINGS.

2. EMBASSY LEGAL OFFICER LEARNED MARCH 13 PRESIDENT MARCOS HAS FORMED SPECIAL COMMITTEE TO ADVISE HIM ON HOW TO PROCEED IN CASES OF THOSE INVOLVED IN ALLEGED PRESIDENTIAL ASSASSINATION PLOT. THESE INCLUDE AMCIT LEHMAN, TRACTMAN, BOTHWICK, CUMMINGS, SERGING OSMENA, SERGIO OSMENA III AND EUGENIO LOPEZ, JR. LEGAL OFFICER INFORMED THAT COMMITTEE HAS FOUND THERE SUFFICIENT EVIDENCE TO PROCEED WITH CASES BUT IT HAS LEFT QUESTION AS TO WHETHER THERE SHOULD BE TRIAL AND IF SO WHETHER IT MILITARY OR CIVILIAN UP TO PRESIDENT. LEGAL OFFICER ALSO TOLD THAT PRESIDENT HAD BEEN LEANING TOWARDS OPTION OF PUBLISHING ALL EVIDENCE IN THE CASE AND RELEASING EVERYONE WHEN MIJARES DEFECTED AND PARADE CARRIED ARTICLE ON LOPEZ AND MARCOS. PRESIDENT REPORTEDLY TOOK THESE EVENTS QUITE HARD AND NO DECISION HAS BEEN MADE. FYI: LO SOURCE SAID MIJARES HAD INSIDE INFORMATION PRESUMABLY ON ASSASSINATION PLOT WHICH CAUSED DIFFICULTY BUT DID NOT ELABORATE. END FYI.

3. ON MARCH 15, MILITARY TRIBUNAL BEGAN HEARING ARGUMENTS IN SEDITION CASES OF FRs. LAHOZ AND DE LA TORRE. COMMISSION DENIED THEIR ATTORNEYS' CLAIMS QUESTIONING COMPETENCE OF MILITARY PANEL TO HEAR THEIR CASES BUT ENDORSED THEIR REQUEST FOR MILITARY'S CLASSIFIED REPORT ON CONDITIONS AT CAMP OLIVAS. DEFENDANTS HAVE ALSO BEEN GIVEN ADDITIONAL 15 DAYS TO PRESENT THEIR COUNTER- AFFIDAVITS TO GOVERNMENT CHARGES.

4. COMMENT. DESPITE SIGNS THAT PRESIDENT MARCOS MAY BE FINALLY MOVING TOWARD RESOLUTION OF THE OUTSTANDING POLITICAL PRISONER CASES, WE ARE DOUBTFUL PRESIDENT HIMSELF HAS DECIDED WHAT HE WILL DO. IN AQUINO'S CASE WE DOUBT PRESIDENT SERIOUSLY DESIRES TRIAL AND SAME ATTITUDE APPEARS TO APPLY TO OSMENA. THIS WOULD BE PERFECTLY CONSONANT
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WITH FILIPINO AND POLITICAL INSTINCTS OF PRESIDENT BUT FATE AND PRISONERS HAVE NOT COOPERATED IN PLAYING HIS GAME. DE LA TORRE AND LAHOZ CASES ARE DECIDELY SECOND-CLASS IN TERMS OF INTERNATIONAL PUBLIC OPINION BUT CHURCH ANGLE COULD GIVE MARCOS MOST TROUBLE AT HOME. ONLY THING CLEAR IS THAT EACH CASE LOADED WITH UNDERSIREABLE PR POTENTIAL AND MARCOS WELL AWARE OF THIS. HE HAS DECIDED TO PROVIDE SOME APPEARANCE OF MOVEMENT BUT STILL SEEMS UNCERTAIN

WHERE HE WANTS TO END UP.
SULLIVAN

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